

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 28, 2004 PLANNING COMMISSION MEETING

Final Action

P.A.S.: Special Permit #04018
Private School

PROPOSAL: Permit a private vocational/technical school.

LOCATION: Approximately North 27th Street and Old Dairy Road.

LAND AREA: 6.58 acres, more or less.

CONCLUSION:

This use is appropriate at this location. Although the school will have peak times of high traffic generation, North 27th Street should provide an adequate traffic facility making the site easily accessible. Although this area is zoned I-1 Industrial, the Health Department reports only one nearby site storing hazardous material, and the area has developed with few industrial uses. An evacuation plan and indoor air quality control system will address any potential concerns.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Fieldstone Center 3rd Addition, except for the portion described in exhibit "A," located in the NE 1/4 of Section 12 T10N R6E, Lancaster County, Nebraska.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Vacant commercial building.

SURROUNDING LAND USE AND ZONING:

North:	Restaurant, Hotel	I-1 Industrial
South:	Lincoln Electric System	P Public
East:	Commercial	I-1 industrial
West:	Lincoln Electric System	I-1 industrial

HISTORY:

Jul 2000 Administrative Final Plat #00022 Fieldstone Center 3rd Addition platted this lot, which was then known as Lot 129 I.T.

May 1979 The zoning update changed this property from K Light Industrial to I-1 Industrial.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land use Plan designates this area as Commercial. (F 25)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan.

Encourage cooperative planning and site development between the City and public and private educational facilities. (F 145)

Support the necessary expansion of education facilities while remaining sensitive to the surrounding neighborhoods. (F 146)

TRAFFIC ANALYSIS:

The Comprehensive Plan identifies North 27th Street as a Principal Arterial both now and in the future. (E 49, F103) There is an existing southbound deceleration lane at the entrance to this property, as well as a northbound left turn lane. Right and left turning movements are allowed exiting this site.

Other Principal Arterials: This functional class of street serves the major portion of intercommunity and intracommunity traffic movement within the urban area and is designated to carry high traffic volumes. For other principal arterials, the concept of service to abutting land is subordinate to serving major traffic movements. Facilities within this classification are capable of providing direct access to adjacent land but such service is to be incidental to the primary functional responsibility of moving traffic within this system. F(102, 103)

ENVIRONMENTAL CONCERNS:

Much of the area around this site is zoned for industrial uses, meaning there is a potential for hazardous materials incidents. The closest known facility storing hazardous materials is north of this site, between here and Superior Street. The developer must submit an evacuation plan identifying where students will go in case of such an event, as well as a “house in place” scenario identifying a safe room within the building that has no penetrations to the outside. In addition, the developer must install an HVAC emergency shut-off switch to minimize the infiltration of airborne hazardous materials.

ANALYSIS:

1. This is a request for a special permit for a private vocational/technical school. This school is reusing an existing vacant commercial building.

2. This special permit is allowed pursuant to LMC §27.63.075, the conditions of which require:

(b) The application for a special permit for a private school shall be accompanied by the following information:

- (1) Number of (students), time separation between classes, number of staff members on the largest shift, and limitations on hours and classes to minimize the number of persons on site at any one time.**

The site plan proposes a maximum of 350 students and 22 faculty/staff persons per session. However, these numbers were based upon the use of an incorrect parking calculation and presented as the maximum allowable numbers. There are three sessions per day. The first session begins at 8:00 A.M. and the last session ends at 10:30 P.M.

- (2) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading area, and entrances/exits to such facility. The parking and the loading and unloading area for such facility must comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code.**

A brief description of the use of the facility was provided, but does not include a physical description of the facility. The site plan identifies parking stall locations and traffic circulation patterns, but does not provide adequate information to calculate the required number of parking stalls. A note should be added to the plan indicating final parking lot design will be submitted at the time of building permits, and will comply with zoning and design standard requirements. The locations of exits are identified, but entrances are not.

- (c) If the proposed facility is located in an industrial district, the applicant shall submit information on the storage and use of hazardous chemicals in the vicinity, evacuation plans, and internal air quality control to the Health Department for its review and recommendation.**

This information has not been provided. One condition of approval requires the submittal and approval of this information.

3. The site plan shows the special permit boundary including all of Lot 2, however, Lincoln Electric System owns a portion of this lot. The boundary must be revised to exclude the LES property.
4. Planning staff recommends approval of this special permit based upon the following conditions.

CONDITIONS:

Site Specific:

1. This approval permits a private school, to be occupied by no more than 350 students and 22 faculty/staff at any one time during the day.

General:

2. Before receiving building permits:

- 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

- 2.1.1 A revised site plan including 8 copies showing the following revisions:

- 2.1.1.1 Revise the special permit boundary to exclude the property owned by LES.

- 2.1.1.2 Provide the size of the largest assembly hall area.

- 2.1.1.3 Identify the locations of all entrances to the building. If any exits are proposed for emergency use only, indicate which ones they are.

- 2.1.1.4 Add a note to the site plan stating final parking lot design and landscaping requirements will conform to City of Lincoln Design Standards, and be submitted at the time of building permits.

- 2.1.1.5 Provide LES easements, which may be viewed at the Planning Department.

- 2.1.2 Submit an evacuation plan, including a "house in place" scenario, and an indoor air quality control plan for approval by the Health Department.

- 2.1.3 Provide a physical description of the facility.

- 2.2 The construction plans comply with the approved plans.

- 2.3 The required easements as shown on the site plan must be recorded with the Register of Deeds.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this private school, all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us

DATE: April 14, 2004

Applicant StudioNRG, L.L.C.
and Robert Mierau
Contact: 105 N. 8th Street, Suite 100
Lincoln, NE 68508
477.1666

Special Permit #04018
Private School

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Owner: Hendricks Development, L.L.C.
7501 Olive Creek Road
Firth, NE 68358
402.435.1920

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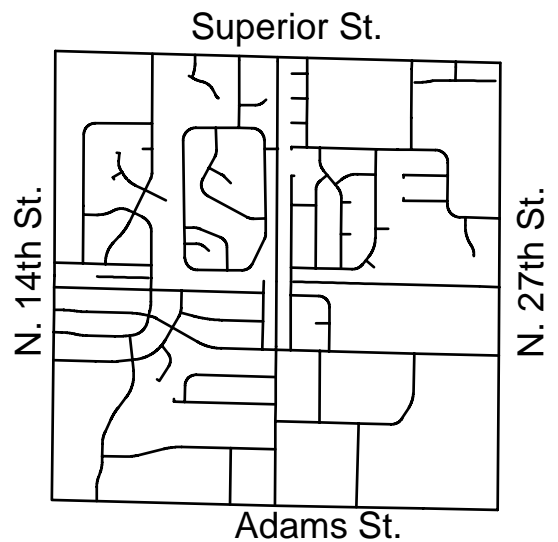
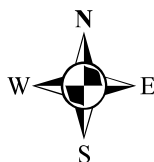
Special Permit #04018
3901 N 27th St.
Vatterott College

2002 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 12 T10N R6E

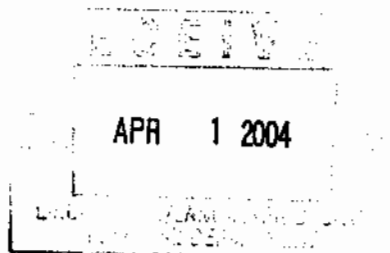


EXCEPT AS

EXHIBIT "A"

Part of Lot Two (2), Fieldstone Center Third Addition, located in the Northeast Quarter of Section 12, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southwest corner of said Lot Two (2); thence in a Northerly direction, along the west line of said Lot Two (2), on an assumed bearing of North 00 degrees 00 minutes 48 seconds East for a distance of 358.88 feet to the Northwest corner of said Lot Two (2); thence South 88 degrees 47 minutes 12 seconds East, along the North line of said Lot Two (2), for a distance of 363.19 feet; thence South 01 degrees 01 minutes 34 seconds West for a distance of 358.81 feet to a point on the South line of said Lot Two (2), thence North 88 degrees 47 minutes 09 seconds West, along the South line of said Lot Two (2), for a distance of 356.85 feet to the Point of Beginning.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Greg Czaplewski

DATE: April 12, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Vatterott College
SP #04018

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following items noted:

- In reference to LMC 27.63.075 (C), the (LLCHD) will request submission of an evacuation plan, both a written and drawn plan, detailing where students will go in the event of a hazardous materials incident. Also, the plan should address a "house in place" scenario in which students would go to a safe room within the building with no penetrations to the outside (windows, doors, etc.).
- In addition, the LLCHD recommends the installation of an emergency shut-off switch for the heating, ventilation, and air conditioning (HVAC) system to minimize the infiltration risk of airborne hazardous materials.
- According to our Geographic Information System (GIS) system records, the closest facility which stores hazardous materials is TruGreen Chemlawn located at 4141 N. 27th ST.